

## TITLE 16. MEDICAL BOARD OF CALIFORNIA

NOTICE IS HEREBY GIVEN that the Medical Board of California is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at Radisson Hotel, 500 Leisure Lane, Sacramento, California, at 9:00 a.m., on July 29, 2005. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under contact person in this Notice, must be received by the Medical Board of California at its office not later than 5:00 p.m. on July 18, 2005 or must be received by the Medical Board, Division of Licensing at the hearing. The Medical Board of California, Division of Licensing, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Section 2018 of the Business and Professions Code, and Section 11425.60 of the Government Code, and to implement, interpret or make specific Section 11425.60 of the Government Code, of said Code, the Medical Board of California, Division of Licensing is considering changes to Division 13 of Title 16 of the California Code of Regulations as follows:

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Adopt Title 16, Section 1304.5: Precedent Decisions-Division of Licensing

Existing law permits the Division of Licensing to designate precedent decisions. This proposal would implement that authority by establishing a process (identical to that described by the Division of Medical Quality) for designating precedent decisions.

This proposed regulation will enhance and strengthen the Division's authority by allowing the Division to deem that an administrative decision, or a part of an administrative decision, is a precedent-setting decision. A precedent-setting decision may be utilized by the representatives of the Attorney General's Office, Administrative Office of Hearings, and applicants and their attorneys to help ensure applicants will be treated in a consistent manner.

### FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

### Business Impact:

The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

### AND

The following studies/relevant data were relied upon in making the above determination: None.

Impact on Jobs/New Businesses: The board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business: The board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

### EFFECT ON SMALL BUSINESS

The Medical Board of California has determined that the proposed regulations would not affect small businesses. This regulation regards precedent decisions regarding license applicants.

### CONSIDERATION OF ALTERNATIVES

The Medical Board of California must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

### INITIAL STATEMENT OF REASONS AND INFORMATION

The Medical Board of California has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

### TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Medical Board of California, Licensing Program at 1428 Howe Avenue, Suite 56, Sacramento, California 95825.

### AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

### CONTACT PERSON

Inquiries concerning the substance of the proposed regulations may be directed to:

Name: Curt Worden  
Address: Medical Board of California  
1426 Howe Avenue, Suite 54  
Sacramento, CA 95825  
Telephone No.: (916) 274-5983  
Fax No.: (916) 263-2487  
E-Mail Address: [cworden@medbd.ca.gov](mailto:cworden@medbd.ca.gov)

Inquiries or comments concerning the proposed rulemaking process may be addressed to:

Name: Kevin A. Schunke  
Address: Medical Board of California  
1430 Howe Avenue, Suite 92  
Sacramento, CA 95825  
Telephone No.: (916) 263-2368  
Fax No.: (916) 263-2387  
E-Mail Address: [kschunke@medbd.ca.gov](mailto:kschunke@medbd.ca.gov)

The backup contact person is:

Name: Linda Whitney  
Address: Medical Board of California  
1430 Howe Avenue, Suite 92  
Sacramento, CA 95825  
Telephone No.: (916) 263-2389  
Fax No.: (916) 263-2387  
E-Mail Address: [lwhitney@medbd.ca.gov](mailto:lwhitney@medbd.ca.gov)

WEBSITE ACCESS: Materials regarding this proposal can be found at [www.caldocinfo.ca.gov](http://www.caldocinfo.ca.gov).